

## Department of Justice

## § 19.1

(3) A deposition may be admitted into evidence as against any party who was present or represented at the taking of the deposition, or who had due notice thereof, if the hearing officer finds that there are sufficient reasons for admission and that the admission of the evidence would be fair to all parties and comport with the requirements of due process.

(b)(1) At any time after the initiation of the appeal, any party may serve upon any other party written interrogatories to be answered by the party served, or by an authorized representative of the party if the party served is a corporate or governmental entity. The party served shall furnish all information which is available to it.

(2) Each interrogatory shall be answered separately and fully in writing under oath by the party addressed or by an authorized representative. The time and manner of returning the interrogatory shall be prescribed by the hearing officer.

### § 18.8 Recommended decision.

Within a reasonable time after the close of the record of the hearings conducted under § 18.6, the hearing officer shall submit findings of fact, conclusions of law, and a recommended order to the responsible agency official, in writing. The hearing officer shall promptly make copies of these documents available to the parties.

### § 18.9 Final agency decision.

(a) In hearings conducted under § 18.6, the responsible agency official shall make the final agency decision, on the basis of the record, findings, conclusions, and recommendations presented by the hearing examiner.

(b) Prior to making a final decision, the responsible agency official shall give the parties an opportunity to submit the following, within thirty (30) days after the submission of the hearing officer's recommendations:

(1) Proposed findings and determinations;

(2) Exceptions to the recommendations of the hearing officer; and

(3) Supporting reasons for the exceptions or proposed findings or determinations; and

(4) Final briefs summarizing the arguments presented at the hearing.

(c) All determinations, findings and conclusions made by the responsible agency official shall be final and conclusive upon the responsible agency and all appellants.

### § 18.10 Rehearing.

(a) Any appellant dissatisfied with a final agency decision under § 18.9 may, within 30 days after the notice of the final agency decision is sent, request the responsible agency official to re-review the record, and present additional evidence which is appropriate and pertinent to support a different decision.

(b) If the responsible agency official finds that the appellant has:

(1) Presented evidence or argument which is sufficiently significant to require the conduct of further proceedings; or

(2) Shown some defect in the conduct of the initial hearing sufficient to cause substantial unfairness or an erroneous finding in that hearing, the responsible agency official may require that another oral hearing be held on one or more of the issues in controversy, or permit the dissatisfied party to present further evidence or argument in writing.

(c) Any rehearing ordered by the responsible agency official shall be conducted pursuant to §§ 18.5—18.8.

## PART 19—USE OF PENALTY MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN

### Sec.

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19.6 Responsibility of DOJ organizational units for program implementation and implementation procedures.

AUTHORITY: 39 U.S.C. 3220(a)(2), 5 U.S.C. 301.

SOURCE: Order No. 1239-87, 52 FR 45174, Nov. 25, 1987, unless otherwise noted.

### § 19.1 Purpose.

This regulation, providing for a Missing Children Penalty Mail Program in

the Department of Justice (DOJ), is intended to comply with the regulation requirement set forth in section 1(a) of Public Law 99-87, which adds a new section 3220 to title 39, U.S. Code. The regulation also implements the Office of Juvenile Justice and Delinquency Prevention (OJJDP) guideline (50 FR 46622) promulgated under the authority of 39 U.S.C. 3220(a)(1), and is intended to assist in the location and recovery of missing children through the use of DOJ penalty mail.

**§ 19.2 Contact person for Missing Children Penalty Mail Program.**

The DOJ contact person for the Missing Children Penalty Mail Program is: Patricia Schellman, General Services Staff, Justice Management Division, U.S. Department of Justice, 10th and Constitution Ave., NW., Washington, DC 20530, telephone number (202) 633-2353.

**§ 19.3 Policy.**

(a) The Department of Justice will supplement and expand the national effort to assist in the location and recovery of missing children by maximizing the economical use of missing children photographs and biographical information in domestic penalty mail directed to members of the public.

(b) Because the use of inserts printed with missing children photographs and biographical information has been determined to be the most cost effective method for general application of the program, DOJ's first priority will be to insert, manually and via automated inserting equipment, photographs and biographical data related to missing children in a variety of types of penalty mail envelopes. These include:

(1) Standard letter-size envelopes (4½"×9½");

(2) Document-size envelopes (9½"×12", 9½"×11½", 10"×13"); and

(3) Other envelopes (misc. size).

(c)(1) Maximum consideration will be given to the use of missing children materials with high volume printing plant or distribution plan mail that will be sent to the public or to Federal, State or local government agencies. Every effort will be made to use the most cost effective and efficient methods of obtaining, distributing, and dis-

seminating missing children information.

(2) In instances when the printing of photograph(s) and biographical information directly on self-mailers and other publications (newsletters, bulletins, etc.) and/or on penalty mail envelopes proves to be practical and cost effective, this method may also be used. Photographs and biographical information related to missing children may be printed on the three types of penalty mail envelopes listed above.

(d) Missing children information shall not be placed on the "Penalty Indicia", "OCR Read Area", "Bar Code Read Area", and "Return Address" areas of standard letter-size envelopes per appendix A of the OJJDP guideline as published in the November 8, 1985, FEDERAL REGISTER (50 FR 46625).

(e) The National Center for Missing and Exploited Children (National Center) will be the sole source from which DOJ will acquire the camera-ready and other photographic and biographical materials to be disseminated for use by DOJ organizational units. When printing missing children information, DOJ will select subjects in accordance with the schedule published by the National Center.

(f) DOJ will remove all printed penalty mail envelopes and other materials from circulation or other use (i.e.: Use or destroy) within a three month period from the date the National Center receives information or notice that a child whose photograph and biographical information have been made available to DOJ has been recovered or that the parent(s) or guardian's permission to use the child's photograph and biographical information has been withdrawn. The National Center will be responsible for immediately notifying the DOJ contact person, in writing, of the need to withdraw penalty mail envelopes and other materials related to a particular child from circulation. Photographs which were reasonably current as of the time of the child's disappearance shall be the only acceptable form of visual media or pictorial likeness used on or in DOJ penalty mail.

(g) DOJ will give priority to penalty mail that: